

DANIEL BOGDEN  
United States Attorney  
MICHAEL CHU  
Assistant United States Attorney  
333 Las Vegas Blvd., South, Ste. 5000  
Las Vegas, Nevada 89101  
(702) 388-6336 / Fax: (702) 388-5087

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	2:09-cr-00173
	)	
v.	)	
	)	
RODOLFO CABRERA,	)	<b>Response to Rodolfo Cabrera's</b>
	)	<b>Sentencing Memorandum</b>
	)	
Defendant.	)	
_____	)	

The United States, by and through the undersigned attorneys, respectfully asks this Court to deny Rodolfo Cabrera's request to credit him for time spent in custody in Latvia awaiting extradition.

Respectfully, defendant asks this Court to perform a duty that the U.S. Supreme Court has held is instead to be performed by the U.S. Attorney General, who, in turn, has delegated his authority to the Bureau of Prisons. *See United States v. Wilson*, 503 U.S. 329, 334-35 (1992). In *Wilson*, the Court held that, because Section 3585(b) permits defendants to receive credit against a sentence that "was imposed," this choice of wording, combined with the legislative history, means "that § 3585(b) does not authorize a district court to compute the credit at sentencing." *Id.* at 334. For these reasons, we ask that defendant's request be denied.

**DATED** August 17, 2010.

DANIEL BOGDEN  
United States Attorney

/s/

MICHAEL CHU  
Assistant United States Attorney